

## **Municipal Wetland Buffer Ordinances in Rhode Island**

University of Rhode Island Cooperative Extension

RI Nonpoint Education for Municipal Officials (NEMO).

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### **A. Summary**

Twenty Rhode Island cities and towns establish wetland buffer setbacks through zoning that are more protective than state standards for the purpose of minimizing impacts to wetlands. Most communities are outside the Providence urban area and have surface water supply watersheds, local groundwater resources used for either public or private wells, other sensitive fresh or coastal water resources, and rely at least in part on Onsite Wastewater Treatment Systems (OWTS) for wastewater treatment. Other findings include:

- Eleven of the communities reviewed have wetland buffer ordinances that regulate any land disturbance, structures, impervious area and/or OWTS within the buffer.
- Nine municipalities establish wetland buffers only for location of OWTS.
- Wetland buffer setbacks may apply town wide or only in watershed protection districts, other overlay zones, or for certain land uses.
- In addition to the setback distance, many towns establish standards that are more protective than state regulations for use of the buffer area including for example, limits on percent impervious cover, stormwater management requirements, performance standards for alternative OWTS.
- For substandard lots of record, relief may be granted either by a special use permit or variance application where special conditions may be applied to minimize impacts.

### **B. List of Ordinances**

1. Barrington Zoning. Wetland setback from all disturbances in Wetland Overlay District (100 ft) and wetland setbacks from structures in all areas (100 ft from wetlands; 200 ft from streams > 10 ft. wide).
2. Burrillville Zoning. On lots containing > 40% wetlands, land use restrictions apply including wetland setbacks from OWTS (200 ft).
3. Charlestown Zoning. Wetland setback from OWTS only (100 ft.).
4. Coventry Zoning. Wetland setbacks from OWTS (75 ft) and from structures (50 ft).
5. Exeter Zoning. Wetland setback from all soil disturbance (100 ft.)
6. Foster Zoning. Surface water setback from OWTS (200 ft); with commercial or industrial development, wetland setback from all soil disturbance (100 ft).
7. Jamestown Zoning. Setback from freshwater wetlands to OWTS only; High Water Table ordinance requires use of advanced treatment systems, restricts impervious cover and sets stormwater management standards. Both provide for administrative review.
8. Little Compton Zoning. Wetland setbacks from structures and OWTS (100 ft); administrative review provision for lots of record.
9. Middletown Zoning. Setback from freshwater wetlands from OWTS only (100 ft).
10. Narragansett Zoning. In the Coastal and Freshwater Wetlands Overlay District, wetland setback from all land disturbance for pre-existing lots with sewer and water (100 ft.); in all other areas, wetland setback from OWTS and all land disturbances (150 ft. from all

wetlands except areas subject to stormflowage and flooding 50 ft.). In Coastal Resources Overlay District, coastal features setback from all disturbances in "areas of critical concern" and "self-sustaining lands" (150 ft), and from structures, roads and OWTS in all other areas (100 ft).

11. New Shoreham Zoning, Wetland setback from OWTS setback (150 ft.) and from surface drinking water supplies and contiguous freshwater wetlands (200 ft). Advanced wastewater treatment specified based on location within wetland buffers, drinking water source area, or other critical watershed and on depth to water table and bedrock.
12. Newport Zoning. Ocean Drive Overlay District wetland buffer (all disturbances)
13. North Kingstown Zoning. OWTS setbacks
14. North Smithfield Zoning, Wetland Setbacks from OWTS, Buildings and Impervious Surfaces and Cesspool Phaseout.
15. Portsmouth Zoning. Watershed Protection District OWTS setback (from drinking water tributaries and adjacent wetlands) Also limits impervious area.
16. Scituate Zoning. setbacks from water bodies (OWTS and structures)
17. Smithfield Zoning. Dimensional regulations, buffers (structures)
18. South Kingstown Zoning. location of OWTS (includes wetland buffers; amended in 2011 to restrict impervious area and establish stormwater management standards)
19. Tiverton Zoning. Setbacks from certain water bodies (OWTS only); Watershed Protection Overlay District (all disturbances and limits on impervious cover)
20. Warren Zoning. Setbacks from wetlands and water bodies (OWTS only)

### **C. About the Ordinances**

The following excerpts were compiled in 2008 and periodically updated through October 2013. These are limited updates, made as we happen to learn about changes, and not through a comprehensive review process.

The source and type of ordinance is listed first, followed by the ordinance selection. More than one entry may be listed for a municipality. Where the ordinance is lengthy only the most pertinent sections are included except that some of the more recent or innovative examples are reproduced in their entirety.

These excerpts are provided for informational purposes only. For the official version of the local code or more recent amendments, please check current online codes or contact the municipality.

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### **1. BARRINGTON**

Source: Barrington RI Code of Ordinances, Chapter 185. Zoning, Article VII. Supplementary Regulations, Sec. 22. Setback from wetlands and water bodies. [www.generalcode.com](http://www.generalcode.com) accessed July 30, 2007 and October 23, 2013.

#### **§ 185-22. Setback from wetlands and water bodies.**

Except as otherwise provided, no building, structure or sign may be located within 100 feet of any wetland, water body or stream, or within 200 feet in the case of flowing water bodies in excess of 10